

Case 4:19-cv-05041

Supplement to Complaint, Document Cover Sheet

Description;

Grievance #2019043975

Document Length, 4 pages, double and single sided

Document #25



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2019 043 975
 Date Received: 12/03/18
 Date Due: 01/17/19
 Grievance Code: 625
 Investigator ID #: I 2584
 Extension Date: 03-03-19
 Date Retd to Offender: MAR 19 2019

Offender Name: Samuel Hopkins TDCJ # 1986831
 Unit: Stiles Housing Assignment: 3-A-57 Top
 Unit where incident occurred: Stiles Unit 12C39

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

DEC 03 2018

Who did you talk to (name, title)? Dr Davis When? 11/30/2018

What was their response? The "pass module" does not have the necessary options

What action was taken? The record was noted that treatment not provided due to the system.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

As a part of my continued treatment for Gender Dysphoria I met with Dr. Dozier via DMS on 10/30/2018. Dr Dozier updated my treatment plan in the medical notes. In the Subjective portion it was noted that I struggle with "increased dysphoria towards physical appearance. In the "Diagnosis / Plan" portion it concluded that "Based on severe distress patient could benefit from being able to express self as female". Two aspects of that (hair and garb) were noted.

I have submitted requests at the Unit level to implement this care. On 11/30/2018 I met with Dr Davis at the Stiles Unit. She was unable to implement the care because in the "Pass module" she is required to use neither "Female grooming standards" nor "panties" had been set up in the module. She did renew my bra pass.

Please update the pass module and provide me the appropriate passes so that I can receive the recommended treatment for my Gender Dysphoria.

Thank You.

(cc) Copy retained.

DEC 03 2018

DEC 03 2018

DEC 03 2018

DEC 03 2018

Action Requested to resolve your Complaint.

Please update the pass module and provide me with

the appropriate passes so that I can receive the recommended treatment.

Offender Signature: James Hopkins

Date: 12/1/2018 DEC 03 2018

Grievance Response:

- Offender Hopkins, please be advised, after careful review of your medical records, you indeed saw NP Dozier via Telehealth on 10/30/18. Although, within NP Dozier clinic notes she mentioned "Feels like access to female clothing and longer hair would help improve thoughts of suicide and self-harm thoughts," unfortunately medical has no control of the policies set forth by TDCJ regarding hair growth and panties. NP Davis was only doing as policies and procedures informed her and would allow her to do. In regards to suicidal thoughts, we do have trained mental health clinicians on the unit that you can speak with if a sick call is placed. You have been provided care per policy. This grievance is unsubstantiated.

Signature Authority: Edward D. L.

Date: 3/6/19

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

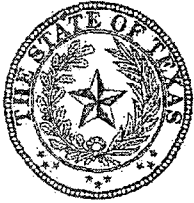
3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

COPY

Texas Department of Criminal Justice
STEP 2 OFFENDER
 GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2019043975
 UGI Recd Date: MAR 21 2019
 HQ Recd Date: MAR 25 2019
 Date Due: 05-05
 Grievance Code: 625
 Investigator ID#: _____
 Extension Date: _____

Offender Name: Samuel Hopkins TDCJ # 1986831
 Unit: Telford Housing Assignment: 12-6-37
 Unit where incident occurred: Stiles Unit

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

Please note I filed a Step 2 on 3/5/2019 with the extension attached. I've now received the ~~original~~ Step 1 back and am now filing this Step 2 with the Step 1 attached, received 3/20/2019.

Please also note, I'm not grieving Dr. Davis, she attempted to provide me with the beneficial care but was unable to do so as the options were not available in the pass module.

I'm grieving instead, not being able to receive the beneficial care as outlined per the specialist. Per the specialist in the "Diagnosis/Plan" portion it concluded that "Based on severe distress patient could benefit from being able to express self as female". Two aspects of that, "female clothing and longer hair", were discussed.

Forced masculine gender expression is causing me a great deal of distress, it has led to increased self-harm and suicidal ideation. Mental health has been made aware of it and has encouraged me to talk to the gender specialist about it which in turn has found it self in the notes. Very simply put, "Based upon severe distress patient could benefit from being able to express self as female." Please provide me with medical passes to receive the beneficial care. I have not been provided the care it was noted I would benefit from.

(cc) my records.

Offender Signature: Samuel HopkinsDate: 3/20/2019

Grievance Response:

A review of your medical grievance and documentation has been completed regarding your medical request to have a pass for longer hair and panties.

According to the medical documentation you were seen in the gender dysphoria clinic on 01/30/2019. You feel having these things would improve your thoughts of suicide and self-harm. Unfortunately medical has no control of these policies set forth by TDCJ regarding the length of your hair or panties. You are advised to continue to attend your scheduled appointments with the gender dysphoria clinics and to discuss feelings of self-harm with the mental health staff. All policies and procedures have been followed.

Documentation in the medical record indicates you have been afforded access to proper medical care in accordance with Correctional Managed Health Care Policy E.37.1. You are advised to submit a Sick Call Request if you feel your condition has changed and warrants further evaluation.

**STEP II MEDICAL GRIEVANCE PROGRAM
OFFICE OF PROFESSIONAL STANDARDS
TDCJ HEALTH SERVICES DIVISION**

Signature Authority: _____

Date: 3/29/19Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

COPY

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

Case 4:19-cv-05041

Supplement to Complaint, Document Cover Sheet

Description;

Grievance #2019076803

Document Length, 4 pages, double and single sided

Document #26



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

Step 3-14-19

OFFICE USE ONLY

Grievance #: 2019076803

Date Received: 2-11-19

Date Due: 3-28-19

Grievance Code: 624

Investigator ID #: 0282

Extension Date:

Date Retd to Offender: MAR 6 2019

Offender Name: Samuel Hopkins TDCJ # 1986831

Unit: Telford Housing Assignment: 12-C-37

Unit where incident occurred: Telford

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Medical Complaints Coordinator & Dr Gordon When? 2/1/19 & 1/30/19

What was their response? TDCJ does not allow me to receive individualized treatment based on my needs

What action was taken? Necessary beneficial treatment was withheld.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

The WPATH Standards of Care (SOC) provide the standards for the treatment of individuals with Gender Dysphoria (GD). These standards have been accepted by every major medical association in the world including the American Medical Association, the American Psychiatric Association, the American Psychological Association, and the World Health Organization.

Per the SOC, these standards apply in their entirety to institutional settings such as prisons.

The SOC outlines 4 treatment options: (1) Changes in gender expression and role, (2) Hormone Therapy, (3) Surgery, and (4) Psychotherapy. For purposes such as exploring gender identity, role and expression... These treatment options are designed to be coordinated together based on the individual needs. Per the SOC "...[f]or others, changes in gender role and expression are sufficient to alleviate gender dysphoria. Some patients may need hormones, a possible change in gender role, but not surgery, others may need... In other words, treatment for gender dysphoria has become more individualized".

I saw Dr Gordon at the GD clinic in Galveston on 1/30/2019. Per our discussion she is only allowed to treat GD with Hormone Therapy options. She would like to help me with additional treatment such as gender role and expression but is not allowed to do so (the very first treatment option in the SOC) but is not allowed to do so. I contacted the Medical Complaints Coordinator at the Telford Unit who confirmed this understanding. TDCJ Policies and Actions have prevented me from receiving individual treatment.

It has already been noted in my medical record in the past that I would benefit from such care (gender role and expression congruent with my gender identity) in addition to the care I do receive. I am suffering and asking for additional care.

cc

COPY

Action Requested to resolve your Complaint:

To receive care recommended regarding gender expression (see 10/30/18), to be evaluated for and receive additional care as needed.

Offender Signature: Samuel HopkinsDate: 2/7/2019

Grievance Response:

Electronic medical record review indicates you have been afforded access to care regarding your Gender Dysphoria. Medical does not have purview over security clothing and hair guidelines and you will need to address those issues with the unit TDCJ Administrator.

Signature Authority:

Cathy McPeak, PM, Sr. Date: 3-5-19
 If you are dissatisfied with the Step 1 response, you may submit a written appeal (28) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

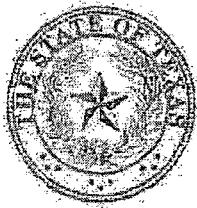
3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER GRIEVANCE FORM

Offender Name: Samuel Hopkins TDCJ# 1986831
 Unit: Telford Housing Assignment: 12-6-37
 Unit where incident occurred: Telford & John Sealy (Galveston)

OFFICE USE ONLY

Grievance #: 2019076803
 UGI Recd Date: MAR 14 2019
 HQ Recd Date: MAR 18 2019
 Date Due: 04-28
 Grievance Code: 624
 Investigator ID#: I0352
 Extension Date: _____

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

The wording of the Step 1 still applies, in response to it's response I answer here. Under Texas Statutes, Title 4 Executive Branch, Subtitle 6 Corrections, Sec 501.004 it states: "The department may allow inmates to wear under wear not furnished by the department." Under Texas Govt Code SS 493.001, .004, .006(b), 494.001-.002, 507.001-.006, BP-02.08 "Statement of Internal Controls", "Policy: The Texas Department of Criminal Justice (TDCJ) shall establish grooming standards for offenders and ensure compliance of resources related to security, safety, and sanitation. The only exceptions shall be due to a documented medical or safety issue." From AD-6.0, Section V(5) "The judgement of health care professionals regarding health related conditions takes precedence over unit operations." Under CHMC Policy Manual #A-03.1 "Medical Autonomy" it states: "Decisions and actions regarding health care services provided to offenders are the sole responsibility of qualified health care personnel and not compromised for security reasons or countermanded by non-clinicians", and, "At the facility level any security policies or practices that contradict direct medical orders should be addressed by the responsible facility authority (TDCJ HSC) management team (UTMB) and the facility administrator or his/her designee".

It would appear that per Texas Statutes I can be permitted to receive some aspects of the care that the professionals said would be beneficial, "female gels and grooming". Again this falls to medical and not to security as indicated in the Step 1 response. Any conflicts with security would be addressed by medical per policy, not by me.

The issue at the heart of this however is that there seems to be a blanket ban on the treatment options for gender dysphoria other than hormones. Specifically blanket bans on Gender Role and Expression and surgery. The specialists hands are tied regarding anything other than hormones, preventing individualized treatment based upon our needs. This is exactly

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

what I am facing in regards to my treatment. Please see the Step 1 for that information.

cc/ Copy retained

Attached: Grievance 2019076803

Offender Signature: Jonah Hopkins

Date: 3/11/2019

Grievance Response:

In your Step 1 medical grievance, you stated you are not receiving appropriate treatment for your Gender Dysphoria by not receiving not receiving individualized treatment options. You are requesting to receive care recommended regarding gender expression and to be evaluated for and receive additional care.

Review of the health record reveals documentation to support the response at Step 1. Further review shows you continue to be followed by the mental health department concerning your Gender Dysphoria. As stated in the Step 1 response, any issues you may have concerning clothing, hair length, or your request for makeup should be addressed with the warden at your unit of assignment, as these issues do not fall under the purview of the medical department. Review of the documentation shows you have received appropriate medical and mental health treatment in accordance with Correctional Managed Health Care Policy E-37.1.

You are advised to submit a Sick Call Request if you feel your physical or mental condition has changed to warrant further evaluation.

**STEP II MEDICAL GRIEVANCE PROGRAM
OFFICE OF PROFESSIONAL STANDARDS
TDCJ HEALTH SERVICES DIVISION**

Signature Authority: _____

Date: 3/20/19

Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

COPY

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Read: _____

Date CGO Read: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: 1

2nd Submission

CGO Initials: _____

Date UGI Read: _____

Date CGO Read: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Read: _____

Date CGO Read: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

Case 4:19-cv-05041

Supplement to Complaint, Document Cover Sheet

Description;

Grievance #2019125319

Document Length, 4 pages, double and single sided

Document #27



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

Offender Name: Samuel Hopkins TDCJ # 1986831
 Unit: Telford Housing Assignment: 12-C-37
 Unit where incident occurred: Telford

OFFICE USE ONLY

Grievance #: 2019125319
 Date Received: 5-20-19
 Date Due: 6-29-19
 Grievance Code: 508
 Investigator ID #: 2415
 Extension Date: _____
 Date Retd to Offender: JUN 11 2019

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Wardens Bates, Marshall, and Parker via I-60 When? 5/10/2019

What was their response? No response was given.

What action was taken? No action was taken.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I am transgender and diagnosed with gender dysphoria. TDCJ medical has asked that I address my concerns with security. TDCJ medical staff and administration are well aware that treatment of this condition is a serious medical need and inadequate treatment jeopardizes an individual's physical health and mental well being. Medical has noted that I would benefit from some elements of "gender role and expression", the first treatment option listed in the Standards of Care (SOC) the accepted treatment standards for gender dysphoria. Failure to provide treatment in accord with need places persons with gender dysphoria at substantial risk of serious harm that includes depression, anxiety, mental impairment, physical self-harm, and suicide. Refusal to provide treatment in spite of being aware of the serious harm caused by the failure to treat indicates deliberate indifference to a serious medical need, a possible violation of the Eighth Amendment's prohibition of cruel and unusual punishment.

Staff at Telford Unit have denied my request for gender role and expression. Specifically I have been denied possession of panties and the ability to grow my hair to the length allowed for women on women's units and this is a denial of an essential part of my gender role and expression. As a documented transgender female I am requesting to wear the same clothing and follow the same policy that a cisgender woman would be allowed to follow.

Medical has advised me to speak to security and/or the warden at my unit. I contacted all three wardens on my unit via I-60 and no one has responded.

McConnell Unit has allowed 3 inmates to grow their hair and it can be done here. Panties create no issue and could be issued just like the bras are. What I am asking for can be done and isn't unreasonable. In addition it would stop the forced masculinization that causes me a great deal of distress and has resulted in the substantial risk of serious harm listed above, all of which have been documented in my record as a result of the forced masculinization and denial

of gender role and expression.

CC.

Action Requested to resolve your Complaint.

~~I'm asking for permission to use and be regulated by female grooming standards~~ and to receive
and be allowed the use of panties. Thank You.

Offender Signature: Samuel Hopkins Date: 5/18/2019

Grievance Response:

Your grievance has been reviewed. Information received from the Necessities Department reveals panties are issued only on female units. The Court's Ruling you referred to in your grievance affects only three Native American offenders at the McConnell Unit. Offenders assigned to a male unit will follow grooming standards set forth for male offenders in the Offender Orientation Handbook. At this time, transgender offenders assigned to male units may not grow their hair long.

Signature Authority: Bates Date: 06/10/19
If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

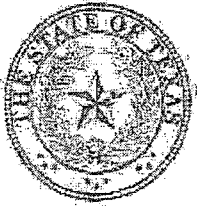
Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
2nd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____
3rd Submission UGI Initials: _____
Grievance #: _____
Screening Criteria Used: _____
Date Recd from Offender: _____
Date Returned to Offender: _____



COPY

Texas Department of Criminal Justice

STEP 2 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2019125319
 UGI Recd Date: 06-19-19
 HQ Recd Date: JUN 20 2019
 Date Due: 07-28
 Grievance Code: 508
 Investigator ID#: 12448
 Extension Date: 9-10

Offender Name: Samuel Hopkins TDCJ # 1986831
 Unit: Telford CX Housing Assignment: 12-C-37
 Unit where incident occurred: Telford

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

I am transgender and diagnosed with gender dysphoria. TDCJ medical has asked that I address my concerns with security. TDCJ medical staff and administration are well aware that treatment of this condition is a serious medical need and inadequate treatment jeopardizes an individual's physical health and mental well being. Medical has noted that I would benefit from some elements of "gender role and expression", the first treatment option listed in the Standards of Care (SOC) the accepted treatment standards for gender dysphoria. Failure to provide treatment in accord with need places persons with gender dysphoria at substantial risk of serious harm that includes depression, anxiety, mental impairment, physical self-harm, and suicide. Refusal to provide treatment in spite of being aware of the serious harm caused by the failure to treat indicates deliberate indifference to a serious medical need, a possible violation of the Eighth Amendment's prohibition of cruel and unusual punishment.

Staff at Telford Unit have denied my request for gender role and expression. Specifically I have been denied possession of panties and the ability to grow my hair to the length allowed other women on women's Units and this is a denial of an essential part of my gender role and expression. As a documented transgender female I am requesting to wear the same clothing and follow the same policy that a cisgender woman would be allowed to follow.

Medical has advised me to speak with security and/or the warden of my unit. I contacted all three wardens on my unit and no one has responded. I filed the Step 1 and was unsuccessful in my attempts to receive important elements of gender role and expression.

McConnell Unit has allowed 3 inmates to grow their hair and it can be done here. Panties create no issue and could be issued just like the bras are. What I am asking for can be done and isn't unreasonable. In addition it would stop the forced masculinization that causes me a great

deal of distress and has resulted in the substantial risk of serious harm listed in the first paragraph, all of which have been documented in my record as a result of the forced masculinization and denial of gender role and expression congruent with my gender identity.

Offender Signature: Samuel Hopkins

Date: 6/14/2019

Grievance Response:

Your Step 2 grievance has been investigated by this office. You were appropriately advised at Step 1 level. Please refer to that response. No further action is warranted.

Signature Authority: B. BARNETT

Date: 8-26-19

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

COPY

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

Case 4:19-cv-05041

Supplement to Complaint, Document Cover Sheet

Description;

Grievance #2019094320

Document Length, 4 pages, double and single sided

Document #28



Texas Department of Criminal Justice

STEP 1

OFFENDER
GRIEVANCE FORM

Offender Name: Samuel Hopkins TDCJ # 1986831
 Unit: Telford Housing Assignment: 12-C-37
 Unit where incident occurred: Telford

Step 2 APR 17 2019

OFFICE USE ONLY

Grievance #: 2019094320Date Received: 3-18-19Date Due: 4-17-19Grievance Code: SV2Investigator ID #: 0282

Extension Date: _____

Date Retd to Offender: APR 17 2019

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Sgt. Shaw When? 3/13/19 App 8 PM

What was their response? They said I would get confiscation papers.

What action was taken? They seized my underwear, did not provide confiscation papers.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I am a partial-op Transwoman with medical recommendations to have female garb and grooming as a part of my treatment plan for Gender Dysphoria (GD) (see my medical record 10/30/2018). To date TDCJ has issued me bras only. For the last 11 months I have also worn appropriate female underwear, panties. It has caused no disruption to the predominantly male environment and in fact was unremarkable.

Upon arrival at this Unit in January I had 4 pairs of panties, 3 were taken by property leaving me with one pair. On 3/13/2019 at approximately 8 PM my cell was shaken down. Sgt Shaw showed particular interest in my bras initially, questioning how I have them. Upon finding my panties he loudly mocked them as a thing to embarrass me in front of officers and inmates, they were actually a conservative full cut brief. I explained that I had medical recommendations for them. He took them, had them taken. I demanded confiscation papers so I could document the interference in my medical treatment. He said he would provide them. Chance Biggers cell 12-C-44 witnessed the exchange and is willing to be a witness. No papers have been provided therefore I am documenting it with this grievance.

Under Texas Statutes, Title 4 Executive Branch, Subtitle 6, Sec 501.004 it states; "The department may allow inmates to wear underwear not furnished by the department".

The issues here then are the following: 1) I have recommendations for panties, 2) which by law TDCJ may allow me to have, 3) that having and wearing them continuously for a period of 11 months created no safety or security concerns of note that would justify seizing them; and 4) that TDCJ officers are seizing them and interfering with my medical treatment.

(cc) Copy retained

Action Requested to resolve your Complaint.

That I be provided with a suitable number of panties, in my size, for normal wear and that TDCJ officers stop seizing them.

Offender Signature: Samuel Hopkins

Date: 3/16/19

Grievance Response:

Be advised Sgt J Shaw was questioned regarding your panties being confiscated. Sgt Shaw has provided a written statement denying that allegation. Property Officer J Hughes was also contacted and she stated you did not come to Telford Unit with panties and panties are not provided on this unit as boxers are provided. No further action is warranted.

Signature Authority: Bates

Date: 4-11-19

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

I-127 Back (Revised 11-2010)

OFFICE USE ONLY

Initial Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

2nd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____

3rd Submission UGI Initials: _____

Grievance #: _____

Screening Criteria Used: _____

Date Recd from Offender: _____

Date Returned to Offender: _____



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Texas Department of Criminal Justice

STEP 2

OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2019094320
 UGI Recd Date: APR 17 2019
 HQ Recd Date: APR 22 2019
 Date Due: 05-27
 Grievance Code: 512
 Investigation #: 11312
 Extension Date: 7-10

Offender Name: Samuel Hopkins TDCJ # 1986831
 Unit: Telford Housing Assignment: 12-C-37
 Unit where incident occurred: Telford

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response of Step 1 because.
 The statement that I made in the Step 1 still stands. Per Texas Gov't Code § 501.004 "The department may allow inmates to wear underwear not furnished by the department." My panties were not issued by the department but were handmade 1 year ago. While Mrs. Hughes may not recall the seizure of my panties I have little doubt that Sgt. Shaw does. Regarding Hughes, upon arrival at the unit Mrs. Hughes discovered 3 pairs of panties in my bra bag. I did explain that I am a partial-op Transwoman with medical recommendations for them. She said that she would speak to medical about it and since "medical" consisted of one employee with only a roster of incoming inmates the results were as expected, Sgt. Shaw was a different story altogether. We had extensive interaction that night. The entire top row 12-C-36 to 12-C42 was sent to the dayroom in boxers, I wore shorts and a bra. In the dayroom he pointed at my chest and asked "what is that" referring to to my bra. I said it was a bra. He asked if they sold that on commissary (implying contra-band). I explained that "no, they issue them to me because I have breasts". He ordered me to get a t-shirt. I complied. He then supervised the ransacking of my house. He asked how many bras inmates were allowed to have, then accused me of lying, telling me that I can get in big trouble for lying to an officer. He loudly mocked my conservative briefs when they were found calling them a thong to the entire section. Whereupon I loudly demanded confiscation papers. I said that they were not a thong, said that I have medical recommendations for them and that I'm suing for trans rights. I had to be calmed down by 12-C-41 and 12-C-42 as I was manic by this point. I was yelling for a minute or two about my panties. When the shakedown was finished he repeated my call number and said he would provide me with confiscation papers. No papers were provided and now it appears that Sgt. Shaw is denying the whole incident.

In both cases officers were within their rights to seize my panties but by law they could also have allowed me to retain them. There was a choice. Both officers were informed that I have gender dysphoria and have medical recommendations for them. Sgt. Shaw displayed derision and maliciousness showing deliberate indifference to my medical needs. Panties have created no threat to security, have been rather unremarkable until I came to this unit where the officers keep confiscating them. As it helps me with my gender dysphoria I will of course replace them. It bothers no inmates, as a woman in fact it is expected. Forced masculinization is bizarre and

cruel, it is a form of punishment not inflicted on cisgendered females, only to the transgender ones. It causes distress to many transgender inmates like myself. In this case it is clearly a choice as the law permits the department to allow us to wear underwear not furnished by the department yet the department is nonetheless seizing them.

(cc)

Offender Signature: Samuel HopkinsDate: 4/15/19

Grievance Response:

An investigation was conducted into your request. Inventories reviewed do not reveal panties. Unless these items are specifically assigned to you as are the bras, they will not be allowed. No further action is warranted.

Signature Authority: T. PHILLIPSDate: 7-1-19Returned because: Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

COPY

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

Case 4:19-cv-05041

Supplement to Complaint, Document Cover Sheet

Description;

Grievance #2019117999

Document Length, 4 pages, double and single sided

Document#29



Texas Department of Criminal Justice

STEP 1 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2019117999Date Received: 5-6-19Date Due: 6-15-19Grievance Code: 508Investigator ID #: 0282

Extension Date: _____

Date Retd to Offender: JUN 14 2019Offender Name: Samuel Hopkins TDCJ # 1986831Unit: Telford Housing Assignment: 12-C-37Unit where incident occurred: Telford

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Victor M. Raggs (Sergeant of Corr Off.) When? 5/2/2019What was their response? They repeated their order and yelled when I asked their name.What action was taken? Forced masculine gender expression, officer orders were followed.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

TDCJ is preventing me from grooming my hair according to my medical recommendations as of 10/30/2018 and even further restricting it even beyond stated grooming policy per the TDCJ Offender Orientation Handbook. As this boils down to one issue, restriction on my gender expression as it relates to hair I'm grieving this as a single issue.

At approximately 11:45 Am on 5/2/2019 I was stopped on my way to chow by Victor M. Raggs, (Sergeant of Corr Off.) who ordered me to get a haircut. My haircut was in compliance, cut around the ears, on the neck, not a tail or mohawk, neither shag nor afro, not a fad or extreme. Safekeeping was on the way to chow and I asked if I could be permitted to eat with safekeeping (I was worried about being forced to eat with population). He denied my request and he walked me to the barbershop. I asked his name as I can't see well enough to read it and he started screaming at me about his name and that he was the building Sgt. At the barbershop I was 3rd in line outside. Sgt Raggs had been selectively targeting transgender inmates for forced haircuts. All of us were transgender females such as myself who tend to wear our hair longer and styled in a feminine manner consistent with our gender identity, but were compliant with grooming standards according to the Offender Orientation Handbook. The Sgt did come back and allow us to go to chow and then get our hair cut. I complied with all orders given. While in the barbershop I asked if there were any posted rules different from the Offender Orientation Handbook and there were not.

Forced masculine gender expression causes extreme distress, for myself I broke down several times in response to the incident, ultimately getting help from mental health that afternoon.

cc) My records

Action Requested to resolve your Complaint.

Stop targeting of feminine hairstyles and also in my case to also consider the use of female grooming standards.

Offender Signature: Samuel Hopkins Date: 5/3/2019

Grievance Response:

Your allegations have been reviewed and reported to the appropriate authority for further review. According to your interview with Safe Prison Program Sgt Oakes stated that Sgt Raggs just happened to be the sergeant enforcing haircuts and he was not targeting transgenders. You further stated you are currently working on a lawsuit to allow transgenders to grow longer hair. Information received reveals there is not anything in place to resolve your complaint and grooming standards must be adhered to.

Signature Authority: Bates Date: 6-14-19
 If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: *Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. *
- ☐ 3. Originals not submitted. *
- ☐ 4. Inappropriate/Excessive attachments. *
- ☐ 5. No documented attempt at informal resolution. *
- ☐ 6. No requested relief is stated. *
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. *
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # _____
- ☐ 10. Illegible/Incomprehensible. *
- ☐ 11. Inappropriate. *

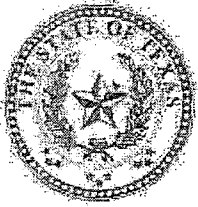
UGI Printed Name/Signature: _____

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: _____

OFFICE USE ONLY

Initial Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 2nd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____
 3rd Submission UGI Initials: _____
 Grievance #: _____
 Screening Criteria Used: _____
 Date Recd from Offender: _____
 Date Returned to Offender: _____



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

OFFICE USE ONLY

Grievance #: 2019112929
JUN 21 2019

UGI Recd Date: _____

HQ Recd Date: JUN 28 2019

Date Due: 08-01

Grievance Code: 506

Investigator ID#: 1074212-04

Extension Date: 9-16

Offender Name: Samuel Hopkins TDCJ # 1986831

Unit: Telford (C) Housing Assignment: 12-E-37

Unit where incident occurred: Telford

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

As I stated to Sgt. Oakes the issue is forced masculinization or alternatively restriction on gender role and expression. As I stated in the Step 1, my hair was in compliance. As I explained to Sgt Oakes the individuals targetted that day were all transgender, we tend to wear our hair longer, Sgt Raggs just happened to be the one cracking down on us but really it could have been anyone. I do not know if his actions were motivated by animus or not. The issue boils down to the first and last paragraph of the Step 1. Please note that my hair was in compliance when I was forced to cut it and that I am complying with stated grooming policy. However please note that forced masculinization is causing me extreme distress. It has resulted in suicidal ideation and self mutilation all of which mental health is aware of. On the day of my forced haircut I was able to get help from mental health but ultimately it did result in self injury. Sgt Oakes is correct in that I am actively trying to get the issue of gender role and expression resolved. I have medical recommendations that have not resulted in any accommodations and have been pushed back onto having me, not medical, address this with security. I have attempted to do so, even going so far as to contact all 3 wardens on my unit. They did not respond. As far as I can tell no one has actually looked into even the possibility of accommodating my medical needs.

Longer hair has presented no security issues on female units, apparently isn't being used to smuggle contraband or is easily searchable. The largest prison system in the country outside of Texas, the Federal Bureau of Prisons, has had no issues with longer hair and has been allowing hair of any length since at least 1996. What is going on here is that TDCJ has decided to rigidly enforce gender stereotypes and not permit gender role and expression for the transgender female inmates such as myself. This has resulted in psychological harm as well as actual physical harm.

CC Copy retained.

Offender Signature:

Samuel Hopkins

Date:

6/15/2019

Grievance Response:

Step 1 addressed your concerns. Offender Orientation Handbook, page 12, male offenders shall keep their hair trimmed up the back of their neck and head. Hair shall be neatly cut. Hair shall be cut around the ears. Sideburns shall not extend below the middle of the ears. No block style, afro, or shag haircuts shall be permitted. No fade or extreme hairstyles/haircuts are allowed. No mohawks, tails, or designs cut into the hair are allowed. No further action warranted.

Signature Authority:

V. Baw

Date:

9-10-19Returned because: **Resubmit this form when corrections are made.*

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

COPY

CGO Staff Signature:

OFFICE USE ONLY

Initial Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission

CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____